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Dated: May 2, 1994

**By:** \_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of**

Fisher and Fletcher

Serial No. 08/153,871

Filed: November 16, 1993

For: SURGICAL SAW BLADE

**Art Unit: 3301**

Examiner: Brown, M

RESPONSE TO OFFICE  
ACTION - RESTRICTION  
REQUIREMENT

**SHELDON & MAK**  
401 Florence Street  
Palo Alto, CA 94301  
(415) 322-5333

**Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231**

Sir:

In response to the Examiner's Action lodged in the above-identified application on August 5, 1993, applicants hereby submit the enclosed documents:

- copy of Examiner's Action,
- a Petition for Extension of Time,
- a Self addressed stamped post card, and
- a check in the amount of \$55.00.

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PATENT


In response to the election requirement, applicant provisionally elects the species identified as species II. Applicant believes that claims 21-31 are readable upon the elected species.

The Commissioner is hereby authorized to charge payment of any fees due in connection with this communication to Deposit Account No. 19-2090. A duplicate copy of this letter is enclosed.

Respectfully submitted,

SHELDON & MAK

Dated: 2 May 1994

By:   
Raymond Cranfill  
Reg. No. 32,845

Attorneys for Applicant

Atty Docket No. SYNV-10025-1



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/153,871 11/16/93 FLETCHER

H SYNN100251

BROWN, M EXAMINER

F3M1/0321

ART UNIT	PAPER NUMBER
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RAYMOND B. CRANFILL  
SHELDON & MAK  
401 FLORENCE STREET, 1ST FLOOR  
PALO ALTO, CA 94301

3301

DATE MAILED: 03/21/94

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 1 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 17-31 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☐ Claims \_\_\_\_\_ are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☒ Claims 17-31 are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been marked; ☐ not been marked.

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Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 17-20, are drawn to a method for surgically cutting of bone, classified in Class 128, subclass 898.

II. Claims 21-31, are drawn to an oscillatory surgical cutting saw, classified in Class 606, subclass 79.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. § 806.05(h)). In the instant case The product as claimed could be used to cut a slot in a piece of wood in order to join two boards together via pushing a projection at the end of one board into the slot located at the end of the other board.

Because these inventions are distinct for the reasons given above and they have acquired a separate status in the art as shown by their divergent subject matter, their different classification, and the search required for Group I is not required for Group II, thus, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Raymond Cranfill on March 17, 1994 to request an oral election to the above restriction

Serial No. 08/153,871  
Art Unit 3301

-3-

requirement, but did not result in an election being made.

Any inquiry concerning this communication should be directed  
to Michael Brown at telephone number (703) 308-2682.

M. Brown  
March 21, 1994



08-09-02

3723

8/C  
X. Coffe  
8/14/02  
w/att

Attorney Docket No. G3752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Marco STEIGER et al.  
Serial No. 09/917,998  
Filed 07/30/2001  
For MATERIAL REMOVING TOOL  
Examiner Ms. Shantese L. McDonald  
Art Unit 3723

A M E N D M E N T

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

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Sir:

In response to the Official Action of July 1, 2002, please amend the above-referenced patent application as follows:

In the claims:

Please replace the claim 1 (ONCE AMENDED) with the following new claim:

- 1 ~~1. (ONCE AMENDED)~~ 1. (TWICE AMENDED) A tool for removal of mate-  
2 rial from workpieces with a manually operable apparatus  
3 having a power driven output shaft arranged to oscillate  
4 about a predetermined axis, comprising: